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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K AGNIHOTRI J.

Writ Petition (S) No.5159 of 2007

Petitioner — Punilal Chauhan, aged about 40 years, son of Shri Nanku Ram Chauhan, occupation - Ayurved Compounder (Aushadhi Sanyojak), Government Ayurvedi Aushdhalaya, village Jatri, Gram Panchayat Jatri, Vikas Khand Pussaur, Tahsil and Distt. Raigarh (CG)

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Health and Family Welfare, Dau Kalyan Singh Bhawan, Raipur (CG)
2. The Secretary, Department of General Administration, Dau Kalyan Singh Bhawan, Raipur (CG)
3. The Director, Bharatiya Chikitsa Padhatti Evam Homeopathy, Behind DKS Bhawan, Raipur (CG)
4. Collector, Distt. Raigarh (CG)
5. The District Ayurved Adhikari, Near Shriram Colony, Beladula Road, Raigarh, Distt. Raigarh (CG)
6. Union of India, through - the Ministry of Health and Family Welfare (Ayurved Chikitsa Prakosth) New Delhi.

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Writ Petition under Article 226/227 of the Constitution of India

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Present : Shri AN Bhakta, counsel for the petitioner.
Shri Prashant Mishra, Additional Advocate General with Shri Sumesh Bajaj, Government Advocate for the State.
Shri SK Beriwal, counsel for Union of India.

Oral Order
(Passed on 27th August, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

Heard.

The petitioner has challenged the vires of Rule 14 and Schedule IV, Sl. No.6 (Pravar-two) of the Madhya Pradesh / Chhattisgarh Lok Swasthya (Bharatiya Chikitsa Padhati Tatha Homeopathy) Tritiya Shreni Lipik Vargiya Tatha Alipik Vargiya Seva Bharti Niyam, 1987. It has been submitted that the said Rule is contrary to the spirit of preamble and Article 13 of the Constitution of India, whereby equal opportunity in employment has been abridged because of the discriminatory treatment.

From the perusal of the aforesaid rules, we find that compounders who have a particular degree are eligible for promotion to the post of Ayurvedic / Homeopathic doctor to the extent of 40%. The petitioner does not have the said degree, therefore, he is not eligible. The petitioner has some other degree, which is not recognized. Therefore, the petitioner submits that the aforesaid rule is ultra vires to the Constitution.

Learned counsel for the petitioner failed to substantiate his argument. Accordingly, no interference is warranted and the writ petition is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

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